

Board of Parole Hearings



Hearing Preparation



Board of Parole Hearings



Topics Covered

- Reviewing a Central File
- Materials Made Available to Attorneys
- Client Interviews
- Waivers, Stipulations, Postponements and Continuances
- Hearing Timeline

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Reviewing a Central File


Components of a Central File (C-File)


- | | |
|--------------------------|------------------------------|
| • Case Summary | • Miscellaneous |
| • Legal | • Detainers |
| • Classification Chronos | • Parole |
| • Disciplinarys | • BPH |
| • General Chronos | • Confidential – 15 CCR 2235 |

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Reviewing a Central File





CDC Form 261

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Reviewing a Central File

Going Paperless!

- Women’s institutions
- Conversion for the men’s institutions
- Disk and Terminal

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Materials Made Available to Attorneys

Hearing Packets (aka Board Packets)

1. Cumulative Case Summary
2. Board Reports
3. Psychiatric Reports – 15 CCR § 2240
4. Prior Decisions
5. Notices and Responses
6. Legal Documents
7. Miscellaneous

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Waivers, Stipulations,
Postponements and Continuances


Waivers, Stipulations, Postponements and
Continuances

“The rights and interests of all persons properly appearing before a [B]oard [of Parole Hearings] life parole consideration hearing are best served when hearings are conducted as scheduled.” (15 CCR § 2253(a).)

Four Ways a Hearing Can Be Delayed (15 CCR § 2253):

1. Voluntary Waiver
2. Stipulations of Unsuitability
3. Postponements
4. Continuances

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Waivers, Stipulations,
Postponements and Continuances

Waivers

- 15 CCR § 2253(b)
- Waive for 1, 2, 3, 4 or 5 years
- May only waive 3 consecutive parole hearings
- Presumed valid if submitted to the Board 45 days or more prior to hearing
- Presumed invalid if within 45 days of hearing

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Waivers, Stipulations,
Postponements and Continuances


Stipulations

- 15 CCR § 2253(c)(1)
- Governed by Marsy’s Law denial lengths

Postponements

- 15 CCR § 2253(d)
- At request of prisoner or at panel’s own motion
- Upon a showing of good cause, a prisoner can seek to resolve a relevant matter


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Waivers, Stipulations,
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Continuances


- 15 CCR § 2253(e)
- Good Cause
- Required for postponements, continuances and waivers within 45 days of a hearing
- "[A] finding by the board based upon a preponderance of the evidence that there is a factual basis and good reason for the decision made." (15 CCR § 2000(b)(50))

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Examples

- An attorney is at a hearing and asks the Board to postpone the hearing because she has a meeting scheduled later in the day that she might miss if the hearing goes forward. Does this request meet the requirements for a postponement?
- An inmate was accepted to a transitional house and plans to parole there. However, the week before his hearing he was contacted by the transitional house and told that they no longer have a spot for him. As a result, the inmate would like to postpone his hearing to arrange new parole plans. Does this request meet the requirements for a postponement?

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Hearing Timeline

DAYS PRIOR TO NEXT HEARING NLT DATE OR SCHEDULED HEARING DATE	ACTION
210-240*	Pre Board Audit
210*	CC is notified of cases which require counselors assigned in LISTS
210*	Notification to counseling staff regarding Board Reports
180*	Inmate Rights Packets due in the Case Records Office
180*	SPH Form 1095 due in the Case Records Office
150	SPH to notify institutions inmate committees available in LISTE
120	Institutions notify SPH of any updates to the inmate committees
120	SPH notifies institutions that interview available in LISTE
120	SPH to appoint inmate attorneys if applicable
120	Completed Board Reports and Prior Supervision Progress Reports due in the Case Records Office
120	Psychologist interventions due in the Case Records Office
90	Pre-hear and pre-hear notices to be prepared and sent
90	Life hearing packets mailed to District Attorney, inmate's attorney (if no attorney) and SPH
60 to 75	Open Review
60	Deadline date for life hearing packets to be received by the District Attorney's Office and the inmate's attorney/inmate (if no attorney)
60	Deadline date for District Attorney's Office and inmate's attorney or inmate if no attorney to receive additional hearing packet material
10	Deadline date of inmate to receive copy of non-confidential opposition letters and responses to Penal Code Section 3042 and 3042 notices for the current parole consideration hearing
0 to 7	Final date of the hearing packets

*Number of days prior to next hearing NLT date

